

BROWNSTEIN & THOMAS, LLP
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Attorneys for Plaintiff SHILOH HOOD
And the Proposed Plaintiff Class

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
[CLASS ACTION]**

SHILOH HOOD, an individual,

Plaintiff.

VS.

THE TERMINIX INTERNATIONAL
COMPANY, L.P., a Delaware limited
partnership; and DOES 1 to 20,

Defendants

Case No: C 06-00024 SBA
CLASS ACTION
The Honorable Saundra B. Armstrong

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE MEDIATION
COMPLETION DATE**

TO THE COURT IN THE ABOVE-CAPTIONED MATTER

COME NOW Plaintiffs and proposed class representatives, Shiloh Hood and Christopher Roy, as well as Defendant, Terminix International Company Limited Partnership (collectively the “Parties”), by and through their respective attorneys of record, and hereby respectfully submit this Stipulation and [Proposed] Order to Continue the Mediation Completion Date in connection with the above-captioned class actions.

1 WHEREAS the Court in the matter of *Shiloh Hood v. The Terminix International*
2 *Company, L.P.*, (Fed. Case No. C 06-00024 SBA; the "*Hood Class Action*") ordered the parties to
3 complete Mediation in the class action on or before February 2, 2007;

4 WHEREAS on September 12, 2006, Defendant, The Terminix International Company,
5 L.P., on the grounds that the action arises from the same transaction, happening or event, filed a
6 Notice with the Court that the matter of Christopher Roy v. The Terminix International, Inc. (CV
7 06-05761 DDP; the "*Roy Class Action*") was related to the *Hood Class Action*;

8 WHEREAS on December 19, 2006, the Multi-District Litigation Panel ordered the *Hood*
9 *Class Action* and the *Roy Class Action* centralized in the Northern District of California before
10 Judge Sandra B. Armstrong;

11 WHEREAS a portion of the putative class in the *Hood Class Action* may be encompassed
12 within the scope of the putative class asserted in the *Roy Class Action*;

13 WHEREAS rights of select members of the putative class in the *Roy Class Action* would
14 be affected by any proposed resolution of the claims asserted in the *Hood Class Action*;

15 WHEREAS Northern District Local Rules for Alternative Dispute Resolution, Rule 6.9(b)
16 requires that each party must be accompanied at the mediation by the lawyer who will be primarily
17 responsible for handling the trial of the matter;

18 WHEREAS Michael S. Langford, of Langford & Langford is the lawyer who will be
19 primarily responsible for handling the trial in the *Roy Class Action*;

20 WHEREAS Michael S. Langford was discharged from the hospital on Friday, January 19,
21 2007, after having sustained a serious injury in the form of a displaced fracture of his hand with an
22 open wound for which he has been prescribed twenty-four (24) hour, intravenous, antibiotic
23 treatment for a period of thirty (30) days, along with pain medication;

24 WHEREAS Mr. Langford's medical condition renders him unable, for the next thirty (30)
25 days, to represent the putative class in the *Roy Class Action* at mediation;

26 WHEREAS the *Hood Class Action* and the *Roy Class Action* are currently scheduled for a
27 January 24, 2007 joint mediation before Judith Droz Keyes;

1 WHEREAS there have been two prior continuances of the mediation completion date in
2 the *Hood Class Action*. On September 18, 2006, pursuant to stipulation of the parties, the Court
3 extended the date for completion of the mediation from September 29, 2006 to December 29,
4 2006. On November 17, 2006, pursuant to stipulation of the parties, the Court extended the date
5 for completion of the mediation from December 29, 2006 to February 2, 2007; and

6 WHEREAS the Parties believe the requested continuance of the date for completion of the
7 mediation will have no appreciable effect on the schedule of the *Hood Class Action* and *Roy Class*
8 *Action* (See Local Rule 6-2(a)).

9 ACCORDINGLY, Plaintiff, Shiloh Hood, and Plaintiff, Christopher Roy, individually and
10 on behalf of all others similarly situated, by and through their respective counsel of record, hereby
11 stipulate to a continuance of the mediation and mediation completion date for a minimum of 30
12 days, not to exceed 45 days, so as to enable Mr. Langford to sufficiently convalesce and
13 participate at mediation in the above-captioned class actions.

14 Dated: January 23, 2007

CHAVEZ & GERTLER LLP

15 By: Jonathan E. Gertler
16 Jonathan E. Gertler
17 Attorneys for Plaintiff SHILOH HOOD
18 and the Putative Hood Class

19 Dated: January __, 2007

BROWNSTEIN & THOMAS, LLP

20 By: _____
21 Marc C. Thomas
22 Attorneys for Plaintiff SHILOH HOOD
23 and the Putative Hood Class

24 Dated: January __, 2007

LANGFORD & LANGFORD, ALPC

25 By: _____
26 Michael S. Langford
27 Attorneys for Plaintiff CHRISTOPHER ROY
28 and the Putative Roy Class

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9 ACCORDINGLY, Plaintiff, Shiloh Hood, and Plaintiff, Christopher Roy, individually and
10 on behalf of all others similarly situated, by and through their respective counsel of record, hereby
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Jonathan E. Gertler
17 Attorneys for Plaintiff SHILOH HOOD
and the Putative Hood Class

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Mark C. Thomas
22 Attorneys for Plaintiff SHILOH HOOD
and the Putative Hood Class

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Michael S. Langford
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8 *Action* (See Local Rule 6-2(a)).

9 ACCORDINGLY, Plaintiff, Shiloh Hood, and Plaintiff, Christopher Roy, individually and
10 on behalf of all others similarly situated, by and through their respective counsel of record, hereby
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24 Dated: January 23, 2007

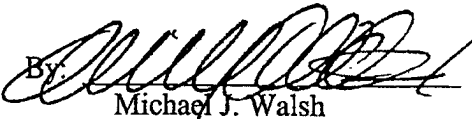
LANGFORD & LANGFORD, ALPC

25 By: _____

26 Karim Michael S. Langford
27 Attorneys for Plaintiff CHRISTOPHER ROY
28 and the Putative Roy Class

1 Dated: January 23, 2007

WALSH & WALSH, PC

2
3 By: 

4 Michael J. Walsh
Attorneys for Plaintiff CHRISTOPHER ROY
and the Putative Roy Class

5
6
7 Defendant, Terminix International Company Limited Partnership, by and through its
8 counsel of record, hereby stipulates to a continuance of the mediation and mediation completion
9 date for a minimum of 30 days, not to exceed 45 days, in the above-captioned class actions.

10 Dated: January __, 2007

WINSTON & STRAWN, LLP

11
12 By: _____

13 Amanda C. Sommerfeld
14 Attorneys for Defendant,
The Terminix International Company, LLP


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16
17
18 Upon review of this Stipulation and ~~Proposed~~ **XXXX** Order to Continue Mediation Completion

19 Date and good cause appearing:

20 **IT IS HEREBY ORDERED** that the Mediation Completion Date in the Hood Class
21 Action is hereby continued from February 2, 2007 to March 30, 2007.

22
23 Feb.

24 Dated: January 1, 2007

25 By: 
Honorable Saundra B. Armstrong
Judge of the Northern District Court

1 Dated: January __, 2007

WALSH & WALSH, PC

3 By: _____

Michael J. Walsh

4 Attorneys for Plaintiff CHRISTOPHER ROY
5 and the Putative Roy Class

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10 Dated: January 23, 2007

WINSTON & STRAWN, LLP

12 By: Amanda C. Sommerfeld ^{MNE}
13 Amanda C. Sommerfeld

14 Attorneys for Defendant,
15 The Terminix International Company, LLP

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19 Upon review of this Stipulation and [Proposed] Order to Continue Mediation Completion
20 Date and good cause appearing:

21 **IT IS HEREBY ORDERED** that the Mediation Completion Date in the Hood Class
22 Action is hereby continued from February 2, 2007 to _____.

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24 Dated: January __, 2007

By: _____

25 Honorable Sandra B. Armstrong
26 Judge of the Northern District Court